

Remarks/Arguments:

The Office Action rejects claims 1-5, 8, 11 and 12 as anticipated under 35 U.S.C. § 102(b) by Goodman *et al.* (EP 0878233). The Office Action rejects claims 6, 7, 9 and 10 under 35 U.S.C. § 102(b) as anticipated, or in the alternative, under U.S.C. § 103(a) as obvious over Goodman *et al.* The Office Action also discusses Stein *et al.* (U.S. Patent No. 4,806,427) in forming the rejection under § 103(a).

With this amendment, the applicants respectfully request the Examiner's reconsideration of claims 1-12 in view of the following arguments.

I. Lack of Anticipation

The Office Action rejects claims 1-5, 8, 11 and 12 as anticipated under 35 U.S.C. § 102(b) by Goodman *et al.* (EP 0878233). Anticipation requires that each and every limitation of the claim be disclosed, either expressly or under principles of inherency, in a single prior art reference.

Claim 1 recites the step of "treating the surface with an aqueous slurry comprising metal oxide particles." Goodman *et al.* does not disclose an aqueous slurry comprising metal oxide particles. Goodman *et al.* discloses that a zeolite precursor solution or gel is formed in the reaction mixture (see column 2, lines 46-49). This amorphous layer is converted into the zeolite layer in the form of zeolite microcrystallites (see column 2, lines 10-11) during the autoclaving step. (see description in column 2, lines 53 to 57 and Example 1). At no point in the disclosed process of Goodman *et al.* are zeolite particles deposited from an aqueous slurry onto the substrate. The reaction mixture of Goodman *et al.* comprises a zeolite precursor solution or gel, not zeolite particles.

Moreover, one of ordinary skill in the art would not be motivated to modify the process disclosed by Goodman *et al.* to achieve the claimed invention. In particular, one of ordinary skill in the art would not be motivated to apply an aqueous slurry of pre-formed zeolite particles to a catalytic material from the teachings of Goodman *et al.* which involves forming the zeolite layer from a zeolite precursor solution or gel to which the catalytic material has been added. As mentioned at column 2, lines 8-11 of Goodman *et al.*, the process disclosed therein provides a coated material having a substantially complete coating which is believed to be made up of

zeolite microcrystallites. This coating is only achieved by using the zeolite precursor solution or gel and suspending the catalyst particles therein, as mentioned in column 2, lines 46-49. One of ordinary skill in the art would not expect from the teachings of Goodman *et al.*, that a process using aqueous slurry of zeolite particles as claimed would provide a similar coating disclosed in Goodman *et al.*

For the above reasons, claim 1 is in condition for allowance and is not anticipated nor rendered obvious by the Goodman *et al.* reference. Because claims 2-12 depend from a patentable claim, they are also patentable.

II. Non-obviousness

Claims 6, 7, 9 and 10 stand rejected under 35 U.S.C. § 102(b) as anticipated, or in the alternative, under U.S.C. § 103(a) as obvious over Goodman *et al.* The Office Action also discusses the teachings of Stein *et al.* (U.S. Patent No. 4,806,427), previously presented and thoroughly discussed in the response to the first Office Action.

The nonobvious differences between the claimed invention and the Goodman *et al.* reference have been discussed above. Particularly, Goodman *et al.* does not disclose or suggest treating a surface with an aqueous slurry comprising metal oxide particles. Regarding Stein *et al.*, for the reasons set forth in the response to the first Office Action and repeated herein, the Stein *et al.* reference fails to fill that void. Stein *et al.* differs from the presently claimed invention in that Stein *et al.* does not disclose or suggest a process for treating the surface of a substrate with a polyelectrolyte and then subsequently treating the substrate with an aqueous slurry of metal oxide particles. Therefore, even assuming that there was motivation to combine Stein *et al.* with Goodman *et al.*, the claimed invention is patentably distinct from those references--individually or as combined.

Thus, the applicants do not agree with the Office Action that the Goodman *et al.* and Stein *et al.* references, individually or when combined, support a *prima facie* case of obviousness for the invention as claimed in claim 1.

Appln. No.: 09/857,315
Amendment Dated December 5, 2003
Reply to Office Action of September 5, 2003

JMYT-243US

Therefore, for all of the foregoing reasons, the applicants respectfully request the Examiner's reconsideration and submit that independent claim 1 is not anticipated nor rendered obvious in view of Goodman *et al.* Additionally, because claims 2-12 depend from allowable claim 1, they are also patentable.

Respectfully submitted,



Christopher R. Lewis, Reg. No. 36,201
Christian M. Bauer, Reg. No. 51,443
Attorneys for Applicants

CMB/pb/lrb

Dated: November 19, 2003

P.O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

December 5, 2003

Date



Christopher R. Lewis

LRB_I:\JMYT\243US\AMEND02.DOC